

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER MINOR AMENDMENTS TO THE EXHAUST EMISSION STANDARDS FOR NEW HEAVY-DUTY DIESEL ENGINES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of minor amendments to California regulations for new heavy-duty diesel engines and trucks.

DATE: October 20, 2005

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., October 20, 2005, and may continue at 8:30 a.m., October 21, 2005. This item may not be considered until October 21, 2005. Please consult the agenda for the meeting, which will be available at least 10 days before October 20, 2005, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment to title 13, California Code of Regulations (CCR), section 1956.8 and the incorporated "Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Year Heavy-Duty Engines and Vehicles" as last amended December 12, 2002.

Background:

Health and Safety Code (HSC) sections 43013 and 43018 direct the ARB to adopt emission standards for new heavy-duty motor vehicles to achieve maximum feasible emission reductions. HSC section 43104 directs the ARB to adopt test procedures to ensure compliance with those emission standards. Further, in 2000, the Board approved the Diesel Risk Reduction Plan, which recommended tightening particulate

matter (PM) emission standards for heavy-duty diesel engines and vehicles. The 2003 State and Federal Strategy for the California State Implementation Plan (SIP) also calls for the reduction of reactive organic gases (ROG) and oxides of nitrogen (NO_x) which, when combined with high ambient temperatures and sunlight, form ozone air pollution. NO_x emissions contribute to secondary PM formation as well.

Exhaust emissions from heavy-duty diesel engines and vehicles have been regulated in California since 1973. With technological advancements and improved engine designs, more stringent standards have been implemented. For example, 2004 model-year engines must be certified to 50 percent lower NO_x emissions compared to 1998 levels. When California's aftertreatment-forcing emission standards become effective in 2007, both NO_x and PM emissions will be reduced by another 90 percent.

Staff Proposal:

Staff is proposing minor revisions to title 13, CCR, section 1956.8 and the "Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Year Heavy-Duty Engines and Vehicles." The provisions will provide engine manufacturers the option to certify 2005 and 2006 model-year heavy-duty diesel engines to a lower PM standard of 0.01 gram per brake horsepower-hour (g/bhp-hr). Specifically, this new option would provide engine manufacturers the flexibility to certify engines to the optional lower PM standard for non-urban bus applications. Such engines would qualify to participate in the Carl Moyer program. However, engine manufacturers certifying to this new option will not be able to participate in any average, banking, and trading provisions for those engines. Additionally, staff's proposal would also modify the NO_x exhaust emission standard for 2007 and subsequent model year heavy duty diesel engines to 0.20 g/bhp-hr, which in an earlier rulemaking was inadvertently specified as 0.2 g/bhp-hr.

COMPARABLE FEDERAL REGULATIONS

In January and October 2001, the United States Environmental Protection Agency (U.S. EPA) and ARB, respectively, adopted new, harmonized exhaust emission standards for new 2007 and subsequent model heavy-duty diesel engines and vehicles. The proposed requirement that the NO_x exhaust emission standard be set to 0.20 grams per brake horsepower-hour (g/bhp-hr) instead of 0.2 g/bhp-hr harmonizes the U.S. EPA and ARB requirements. However, there are no comparable federal regulations that provide manufacturers the option to certify 2005 and 2006 model year heavy-duty diesel engines to a PM emission standard of 0.01 g/bhp-hr for non-urban bus applications.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a summary of the proposed requirements which is included in the Staff Report: Initial Statement of Reasons (ISOR) for the proposed truck idling emission reduction requirements. The report is entitled: " Notice of Public

Hearing to Consider Minor Amendments to the Exhaust Emission Standards for New Heavy-Duty Diesel Engines.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on October 20, 2005.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Stephan Lemieux, Manager, On-Road Heavy-Duty Diesel Section, (626) 450-6162, or Mr. Daniel Hawelti, Air Resources Engineer, (626) 450-6149.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/hdde2005/hdde2005.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The proposed amendments are minor amendments to the "Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Year Heavy-Duty Engines and Vehicles". The requirement to certify 2007 and subsequent model year heavy-duty diesel engines to 0.20 g/bhp-hr NOx emissions was adopted on October 25, 2001. Therefore, economic impact analyses are included in the staff report entitled "Notice of Public Hearing to Consider Amendments to Adopt Reduced Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines". In the earlier rulemaking it was staff's intent that the change now being proposed was in the original rulemaking. Therefore, the economic impact analysis included in the staff report covered, among other things, the economic impact of the amendments in this rulemaking. The amendment now being proposed will not result in any additional economic costs to affected businesses.

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create any costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR of the already adopted 2007 and subsequent model year new heavy-duty diesel engine standards.¹

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not significantly affect small businesses.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board,

¹ The ISOR is entitled "Notice of Public Hearing to Consider Amendments to Adopt Reduced Emission Standards for 2007 and Subsequent Model Year New Heavy-Duty Diesel Engines" and may be accessed online at <http://www.arb.ca.gov/regact/HDDE2007/isor.PDF>.

written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, October 19, 2005**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic mail is to be sent to: **[hdde2005@listserv.arb.ca.gov, assigned by Regulations Coordinator]** and received at the ARB **no later than 12:00 noon, October 19, 2005**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon October 19, 2005**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, and 43105, and sections 27156, 38390, 38391 and 38395, Vehicle Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39500, 43000, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43150-43154, 43202, 43204, 43205.5, 43206, 43205.5, 43206, and 43210-43213, Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications

clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

/s/
Catherine Witherspoon
Executive Officer

Date: August 23, 2005

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Web –site at www.arb.ca.gov.